



February 15, 2017

***VIA ELECTRONIC FILING***

Colonel Peter R. Marksteiner  
Circuit Executive & Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, D.C. 20439

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Re: *Gilead Sciences, Inc. v. Merck & Co., Inc. et al.*; Nos. 16-2302 and 16-2615

Dear Col. Marksteiner:

This letter provides written notice to the tribunal and the parties that Orrick, Herrington & Sutcliffe LLP has been retained to perform substantive legal work in the above-captioned cases. Libby Moulton, a managing attorney at Orrick, previously served as a judicial law clerk for Judge Whyte on the United States District Court for the Northern District of California from 2014-2015. During her tenure as a judicial law clerk, Ms. Moulton did substantive work on *Gilead Sciences, Inc. v. Merck & Co., Inc. et al.* (N.D. Cal. 13-cv-4057-BLF), which was before Judge Freeman.

A formal ethical wall was therefore established on February 13, 2017 to preclude Ms. Moulton from working on the above captioned cases. The ethical screen also provides that Ms. Moulton may not gain access to documents related to the above captioned cases and may not discuss the cases with any member of the Orrick *Gilead v. Merck* team.

We provide this notice out of an abundance of caution, in accordance with Model Rule 1.12(c) of the ABA Model Rules of Professional Conduct, even though those rules have not been adopted by this Court or the Northern District of California.

Respectfully submitted,

/s/ *E. Joshua Rosenkranz*

E. Joshua Rosenkranz  
cc: Counsel of Record